

Costs Decision

Site visit made on 5 February 2020

by D Peppitt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th April 2020

Costs application in relation to Appeal Ref: APP/A1910/W/19/3242164 The Hoo, Great Gaddesden, Hemel Hempstead

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Graeme Ellisdon for a partial award of costs against Dacorum Borough Council.
 - The appeal was against the refusal of planning permission for an internal agricultural access track.
-

Decision

1. The application for costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably. Paragraph 032¹ of the PPG states that an application for costs will need to clearly demonstrate how any alleged unreasonable behaviour has resulted in unnecessary or wasted expense.
3. The applicant is seeking a partial award of costs, stating that the Council failed to act proactively through positive engagement with the applicant during the course of the application. This was due to the Council not responding to phone calls and emails, the case being reallocated to another officer, the advice from a planning officer differing from the final decision, as well as supporting documentation not being available on the Council's website.
4. Given the claims set out by the applicant, this would appear to be unreasonable behaviour. However, I have not been provided with substantive evidence to support all these claims. Whilst the lack of communication with the Council during the application process must have caused the applicant some concern, I find nothing to suggest that a decision was not reached on the basis of the merits of the proposal. Whilst the applicant has stated that they incurred significant professional fees, it has not been demonstrated how these were unnecessary, or how they were a wasted expense for the applicant.
5. For the reasons set out above, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been clearly demonstrated. Consequently, the application for the award of costs is refused.

D Peppitt

INSPECTOR

¹ Reference ID: 16-032-20140306